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SPEECH

OF

^{William}
MR. [^]STRONG, OF PENNSYLVANIA,

ON

THE MEXICAN WAR.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MARCH 4, 1848.

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THE STATE OF VERMONT

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SPEECH.

MR. CHAIRMAN: The bill now under consideration, though entitled a bill to supply deficiencies, in fact makes provision for the prosecution of the existing war until the 1st of July next. It therefore invites us to a consideration of the policy which should be adopted in the future conduct of our military operations. It points onward to the events before us, and calls our attention from the past to the period yet in the future. If we were to judge from an examination of the course which debate has taken in this committee, we might well conclude that the object for which we are assembled, is to legislate for the past. Many weeks have been spent in the indulgence of a spirit of fault-finding with the chief Executive, in the impugnement of his motives, and censure of his acts. In the ardor of partisan discussion, gentlemen seem to have forgotten the existence of any other period than the "days gone by." But however unmindful we may be of it, the present only is ours. It is for the present and the future that we are called upon to act. They, and they *only*, can be affected by any course of policy which we may adopt. We are in a state of war. It should be, and doubtless is, the object of every member of this committee, to restore to the country the inestimable blessings of peace, so soon as it can be done with honor and with justice. How this is to be effected by the imputation to the President of falsehood, of unconstitutional acts, of covert designs, and dishonest motives, I am at a loss to discover. Such would not be the course which we should pursue in regard to other things. If my property were in flames, sad indeed would be my folly, should I fold my arms and refuse to make any effort to extinguish them, until I had relieved my feelings by denouncing the incendiary, however just that denunciation might be. Even if there have been errors in the past, the time for inquiry is not now. When the great object which we have in view shall have been accomplished, and peace once more reign within all our borders, the time for scrutiny will have come, and then, sir, it will not only be timely, but it cannot retard the attainment of the object at which we aim. I shall not, therefore, Mr. Chairman, consume the time of the committee by adverting to any of the accusations which have been made against the President. It will, indeed, become necessary for me to refer to some past events, for a knowledge of them is essential to guide us in the future. My great object is to inquire what should hereafter be our course.

A fundamental question which meets us at the outset, and without the determination of which we cannot act understandingly, is this: *Is the war in which we are involved, a just one upon our side?* Because, if it is not, then the path is plain before us. We should retrace our steps, give up the conquests which we have already made, abandon the territory now in our possession, and tender indemnity to Mexico for the wrongs which we have inflicted upon her. Sir, I want no part in the prosecution of an unjust war. But if, on the other hand, ours is the side of right, the very justice of our cause, and the injuries which we have

received in maintaining it, give us rights which we may and ought to enforce.

I shall therefore briefly inquire which of the two contending parties, the United States and Mexico, hath its quarrel just. And, sir, this seems to be hardly debatable ground. We upon this side of the Hall have no doubt in regard to it, and gentlemen upon the other side have, all along the progress of the war, virtually admitted that the right is with us. Even the famed amendment to the resolution passed by them early in the session, whilst it denounced the war as having been unnecessarily and unconstitutionally begun by the President, carefully avoided denying its justice. How could it have been otherwise? How could gentlemen who doubted the justice of the war, have voted appropriations for its prosecution? Aid thus rendered is no equivocal acknowledgment of its rightfulness. I speak not now of the first act which acknowledged the existence of the war. I do not attach the same importance to that which many do, but there is no ambiguity in the language of the later appropriations. Nor do I recollect that, in the whole course of this debate, protracted as it has been, any member of the Whig party has expressed a doubt as to the justice of our cause in this controversy, until within a short time past. The honorable gentleman from Ohio, (Mr. FISHER,) was the first. He has been followed by two or three others.

But, sir, I choose to look beyond the opinions of both parties, as expressed in this House, as to the commencement of the war. It is obvious that a complete examination of the subject would also require a view of the causes of complaint which we had against Mexico, before the state of war had existence. I have not time, however, for a discussion so extended. And here, sir, I desire to be understood to use the phrase "commencement of the war," not as referring to the beginning of hostilities, but to the "*status belli*" itself. It is clear that one may exist without the other. If a declaration of war be made between two nations, they are immediately in a *state of war*, before a blow has been given. And so those belligerent nations, whose armies have gone into winter quarters, and await the dawning of spring to renew the struggle, are still at war. So, on the other hand, hostilities may exist, and still the nations be at peace. The attack upon the Caroline, by a detachment of the British army, during the late Canada troubles, and the collision of the Little Belt and Chesapeake, unsanctioned by the British Government, are complete illustrations. *My inquiry, therefore, is, how a state of war was brought into existence between the United States and Mexico?*

At the time when the joint resolutions, providing for the annexation of Texas, were under consideration, distinguished gentlemen upon the other side, avowed that such annexation was "*ipso facto*" war; that it exchanged the amicable relations then existing between us and Mexico, into a state of war. If they were then correct, (and the honorable gentleman from New York, who addressed the committee a few days since, [Mr. DUEK,] endorses that averment,) it needed no formal declaration to create a state of war between the United States and Mexico; nothing but the passage of the resolutions, or at least the consummation of the act of annexation. A declaration of war is not necessary by both parties. If France were to declare war against this country, a state of war would

exist. No more would be required, and the President, without the assent of Congress, might move the army, though the consequences of that movement should be collision. This will not be denied. Nor is any formal declaration necessary. A declaration of war is nothing more than a public avowal that war exists. The only object is notice; notice to the foreign foe that he may offer satisfaction, and notice to the subjects of the war-declaring power, that they may remove their property from the reach of the enemy, and cease to trade or hold intercourse with them. The practice is borrowed from the Romans, who, after having declared war in their Senate, and thus given notice at home, sent a herald to the confines of the enemy's territory to give notice there. Well, sir, the annexation resolutions became a law; Texas was annexed; she took shelter under our Constitution, merged her nationality into ours, and became an integral part of this great confederacy. Now, so far as gentlemen on the other side have expressed the opinions to which I have referred, they are estopped from averring that any thing else than the annexation of Texas was the cause or the period of the commencement of the *state of war*, whatever they may think of the beginning of *hostilities*.

But Mexico has also closed her mouth. She has uniformly taken the same ground, and her acts have been consistent with her declarations. She never pretended that the order of the 13th January, 1846, nor even the march of General Taylor to the Rio Grande, was the commencement of the war, or even of hostilities. That is all an after-thought—an American defence of Mexico, which she has never adopted. She uniformly claimed the whole of Texas up to the Sabine—never made any distinction in her claims between the territory east, and that west of the river Nueces. But I turn to her public declarations. Notwithstanding her long silence in regard to her claims upon Texas, the moment annexation to this country began to be publicly discussed, she assumed an offensive attitude. On the 23d of August, A. D., 1843, her Minister of Foreign Affairs announced to our Minister in Mexico that—

“The Mexican Government will consider *equivalent to a declaration of war against the Mexican Republic*, the passage of an act for the incorporating of Texas into the territory of the United States; *the certainty of the fact being sufficient for the proclamation of war*, leaving to the civilized world to determine in regard to the justice of the Mexican nation, in a struggle which it has been so far from provoking.”

What is this but notice that a state of war would exist between the two nations immediately after and consequent upon the passage of such an act? On the 3d of November following, Gen. Almonte, the Mexican Minister to this country, made the following communication to our Government:

“Such a measure, (the annexation of Texas,) if carried into effect, cannot be considered by Mexico in any other aspect than as direct aggression. * * * And he (Almonte) moreover declares, by express order of his Government, that on sanction being given by the Executive of the Union to the incorporating of Texas into the United States, he will consider his mission ended, seeing that, as the Secretary of State will have learned, the Mexican Government is resolved to declare war as soon as it receives information of that fact.”

And Bocabegra afterwards, in a circular addressed to foreign powers, calls the act providing for the annexation of Texas “a declaration of war between the two nations.” These are official communications addressed by Mexico to the United States. What are they all but a contin-

gent declaration of war by Mexico, a declaration dependent upon a contingency which afterwards happened? And how can Mexico say, that as soon as annexation was completed a *state of war* did not exist? She never did say so. Yet the honorable gentleman from New York, (Mr. DUER,) while he concedes the existence of warlike relations, asserts that Mexico elected peace. This he infers from her subsequent agreement to receive a commissioner to make propositions for the adjustment of difficulties. But where does the gentleman learn that such consent, or even the reception of such an agent, is inconsistent with the continued existence of a state of war? I take issue with him upon this assertion, that Mexico elected peace. So far from it has she been, that she never disavowed these official declarations made to our Government, but repeated and reiterated them again and again, and persisted in the assertion of her right to the whole of Texas. On the 12th of June, A. D., 1844, Santa Anna, then President of Mexico, issued a proclamation, in which he declared—

“That Mexico was resolved again to undertake the campaign against Texas, for which he held in readiness a large army.”

On the 6th of March, A. D., 1845, after the final passage of the annexation resolutions, Almonte, in an address to this Government, denominates it “an act of aggression the most unjust which can be found recorded in the annals of history, namely, that of despoiling a friendly nation like Mexico of a considerable portion of her territory.” He then demanded his passports and left. All amicable relations were broken off by the Mexican Government. On the 4th of June, A. D., 1845, General Herrera, who had then become the Chief Executive, issued a proclamation, “that the law of the United States in reference to the annexation of Texas, does in no wise destroy the rights which Mexico has, *and will enforce* upon that department.” But still more. About one month later, on the 12th of July, A. D., 1845, the following orders were issued by the Mexican Government:

“OFFICE OF WAR AND MARINE,
“*Section of Operations.*”

“The United States have consummated the perfidy against Mexico by sanctioning the decree which declares the annexation of the department of Texas to that republic. The injustice of that usurpation is apparent, and Mexico cannot tolerate such a grave injury without making an effort to prove to the United States the possibility of her ability to cause her rights to be respected. With this object, the Supreme Government has resolved upon a declaration of war against that Power, seeing that our forbearance, instead of being received as a proof of our friendly disposition, has been interpreted into an acknowledged impossibility on our part to carry on a successful war.

“Such an error, on the part of the United States, will be advantageous to Mexico, because, suddenly abandoning its pacific attitude, it will to-morrow communicate to Congress the declaration of war, and excite the patriotism of its citizens to sustain the dignity of the nation and the integrity of its territory, now treacherously attacked, in utter disregard of all guaranties recognized in this enlightened age.

“You will readily appreciate the importance of this subject and the necessity of preparing the troops under your command to march towards any point which may require protection against these most unjust aggressions. I am directed by the provisional President to enjoin you, as general-in-chief of your division, and as a citizen of this republic, to hold yourself in readiness to repel those who seek the ruin of Mexico. The Government is occupied in covering the deficient points on

the frontiers, and in collecting the necessary means, so that nothing may be wanting to those whose glory it will be to defend the sacred rights of their country.

"I have the honor to communicate for your intelligence, and to direct your conduct.

GARCIA CONDE.

"God and liberty! MEXICO, July 12, 1845."

Notice of the existence of war had, anterior to that time, been given to the United States. This was notice to the Mexican people. At this time, General Taylor was not even at Corpus Christi. Does this look like an election of peace? No, sir. It is but confirmation of what she had before declared. True, the United States chose not thus to regard it. We did not take up the glove thus thrown down. But I am speaking only of the position which Mexico assumed. True, she did not commence hostilities at once. She probably delayed with the lingering hope that, though provision had been made for it, the annexation of Texas would never be consummated. The administration of Herrera was however overthrown, and the avowed cause of the revolution which displaced him was, that his measures were not sufficiently hostile against the United States. Paredes succeeded to the Presidency, pledged to a still more offensive policy towards this Government. Shortly after his accession, he published a manifesto explanatory of his purposes. This paper is relied upon and cited as proof that Mexico chose not to consider the annexation of Texas as producing a state of war.

The honorable gentleman from Vermont, (MR. COLLAMER,) to whose speech I listened, and which I have since read with much interest, urged this argument with great force. It is difficult however to perceive how such a manifesto, corresponding as it does with one of our Presidential inaugural addresses, can be considered as a retraxit of the formal declarations before that time made to the United States Government. It was no act, no declaration of Mexico; and if it had been, it was certainly no disavowal of her antecedent acts, only a domestic document of which we could not be supposed to have even knowledge. But the manifesto itself, if examined, will be found to be as hostile in its terms as any of the papers to which I have already alluded. True, Paredes says he has not the power to declare war, though Herrera, on the 12th of July preceeding, had claimed it. True, he declared that Mexico had not committed and would not commit aggressions upon the United States, would only repel force by force, but he also declared that the annexation of Texas was aggression, and that was to be repelled by force. Let me advert to some extracts from this manifesto:

"On resuming in the beginning of the year the heavy responsibility of guiding the destinies of the nation during a short period, I determined resolutely to change its policy from the weak and pernicious system of temporising, which has been observed in regard to the United States of America, notwithstanding the perfidy with which that Government prepared for the occupation of Texas. * * * and the insidious act by which it incorporated one of our departments with its own confederacy. * * * The Mexican Government having been despoiled of the rich and extensive territory of Texas, which has always belonged to her in virtue of acts of the supreme authority of the neighboring republic, and this latter having shown a disposition to appropriate to itself some of our frontier departments; the Mexican nation is bound to protest, has protested, and I now protest in her name, that we will never recognise the American banner floating on the soil of Texas; that we will defend our invaded territory; and that we will never suffer new conquests to be made, or new usurpations on the part of the United States of America. * * * I have not the right to declare war. It is for the august Congress of the nation, as

soon as they assemble, to take into consideration all the consequences of the conflict in which we *are* involved." He also speaks of the absurdity of supposing "that the relations between the two republics had not suffered any disturbance by the definite act of the annexation of Texas."

This is certainly a singular mode of converting a state of war into one of peace. This manifesto was issued in April, 1846. Texas had then been admitted as a State into this Union. The time for temporizing had past, that for hostilities had come. Even then Paredes had assembled a large army on the Rio Grande, under the assertion of a right to the whole of Texas; and the destination of that army, as avowed in the Mexican journals, was to plant their national flag upon the west bank of the Sabine. No matter what her declarations were, Mexico must be supposed to have designed what her acts indicated. Now, sir, in such circumstances, was there anything unjust towards Mexico in our taking her at her word? in believing that when she spoke of an existing state of war between the two Republics, and threatened invasion, she meant what she said? And how can Mexico assign any other cause or period for the commencement of the war, than that she has always assigned, the annexation of Texas? But the estoppel of Mexico will be still more apparent if we follow her a few days longer. On the 18th of April, A. D, 1846, at about the same time with the publication of his manifesto, *and without any other declaration of war than that which Mexico had before made in the manner which I have described*, Paredes ordered hostilities to be commenced. He wrote to Gen. Arista, then in command of the army of the north, the army of invasion, that it was "indispensable that hostilities should be commenced," and orders him to "take the initiative." Now either he then knew of the march of General Taylor from Corpus Christi to the Rio Grande, or he did not; if he did, then in his estimation that march was no act of hostilities, for they were yet to be commenced—not the "initiative," for that was yet to be taken; if he did not, then the march had nothing to do with the commencement of the war, or of hostilities. Am I not warranted, then, in asserting that Mexico has closed her mouth, and forever debarred herself from alleging that her own choice did not produce the state of war, and that she had any just cause for assuming the position which she did, unless her justification is to be found in the annexation of Texas? And if by the position in which she placed herself, by the declarations she made, and by her military movements all corresponding, she induced us to anticipate an attack, (which is however denied,) was not our course equally consistent with right, as with prudence?

Thus far, Mr. Chairman, I have discussed the question as between the two belligerent nations; I have not adverted to the course of our Chief Executive. That is wholly immaterial to the investigation of the justice of our cause in the struggle between the United States and Mexico. It is wholly a domestic affair, a question between the people of this country and their agent. The honorable gentleman from Ohio, who addressed the committee some time since, (Mr. FISHER,) and who, I think, was the first to declare our cause unjust, arrived at his conclusion by a most singular course of reasoning. Looking at the acts of the President, through the distorting medium of partisan feeling, he concludes in the language of the famous amendment, that the war was unneces-

sarily and unconstitutionally begun by him, and *therefore* it is unjust. A more palpable fallacy never existed. If the gentleman could prove, what can never be done, that the course of the President was wholly indefensible, that he unnecessarily and unconstitutionally began the war, he would not have advanced one step towards establishing its injustice. If the order of the 13th of January, 1846, were notoriously in the face of a constitutional provision, our cause might still be right. Suppose that, without the least provocation, France should land an invading army upon the coast of South Carolina, and the President, without the assent of Congress, should borrow money on the faith of the Government, and leaving our troops unemployed, should raise a new army to repel the invader, his acts would be unnecessary and unconstitutional, but who would say we were unjust in our conflict with France?

But I return to the question more immediately before us. Is the defence of Mexico tenable? Is it any justification to her for placing the two countries in a state of war, and for assuming a position and adopting a course which ultimately and inevitably led to actual collision? Texas was annexed; I shall not stop to discuss the constitutionality or expediency of that measure. In regard to that, there always has been, and still is, a difference of opinion. But the deed was done, Texas became one with us, and with us she will ever remain. No day-dreamer ever contemplates a future separation. Yet it is no hard task to show that this was no valid reason for complaint on the part of Mexico, much less a justification for a declaration of war, or for her giving notice of its existence, which is equivalent to a declaration. Years had she occupied in useless efforts to reduce Texas to subjection, but she had striven in vain. And, sir, it may well be doubted whether those efforts were not all unjustifiable aggression. To the present Mexican Government, Texas never owed allegiance. She had submitted to the Constitution of 1824, and to that she remained loyal while it existed. But when that was overthrown, in 1835, she owed no allegiance to any new government built upon its ruins. Should the United States Constitution be destroyed, and a monarchy take its place, without the consent of Pennsylvania, what would be said of an attempt to reduce that State to its dominion? But however this may be, all the efforts of Mexico to subjugate Texas ended in complete discomfiture. Her armies were dispersed, her Chief Executive and military officer captured, and (powerless to continue the war) for seven years she remained inactive, making no further attempt at subjugation; and probably she never would have made another trial, had not annexation been proposed. Meanwhile Great Britain, France, and the United States had acknowledged the independent existence of Texas, and with it her right to form alliances, offensive and defensive, and to dispose of herself as she thought proper. What then were the rights of Mexico? Sir, she had no right to say that the sword should devour forever. Who does not remember the wide spread condemnation bestowed upon Spain for her obstinate perseverance in asserting her claims upon Mexico and the South American republics? But I am needlessly sustaining what is generally admitted. If confirmation were necessary, I might appeal to a distinguished Senator from Massachusetts, (Mr. WEBSTER,) who, after having opposed the annexation of Texas, denied that it was any just cause of offence to Mexico. Well, if

it was not, the only justification which she has ever set up for thus placing the two nations in a state of war, for maintaining so long a hostile position, and for pursuing a course which precipitated hostilities, is swept from beneath her feet. The injustice of the war is *hers*, the justice *ours*; for a war cannot be unjust on both sides in its commencement, though indefensible acts may be committed by each party in its prosecution. (Vattel, book 3, sec. 39.)

I come now to the second object which I have proposed to myself. If, by the injustice of Mexico, we have been subjected to the expenses and losses attendant upon a war, we have a moral and an acknowledged right to indemnity, to reimbursement of the cost, to satisfaction for antecedent injuries, and to security against future aggression. This was early avowed by the President as the great object to be attained in the contest. In his annual message to the twenty-ninth Congress, at its second session, he said: "the war will be prosecuted with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war." This is strictly in accordance with the laws of nations. (Vattel, book 3, 28 and 135.) I shall say nothing of the extent to which our claims for indemnity should be exacted. There is no earthly tribunal which can adjudicate upon the disputes of nations, or determine the extent of their rights. In every war, that must be left to the enlightened sense of justice of the victorious party. I would that such may be the principles by which our claims upon Mexico may be settled—justice to ourselves, justice, even magnanimity, towards Mexico. As with individuals so it is with nations, "it is better to suffer than to do wrong." I appreciate, too, the tremendous evils which the continuance of war imposes, even upon the conquering nation. I am not insensible to the loss of life. The bones of many of my fellow-townsmen lie in Mexican graves. I appreciate the distress of families, the accumulation of national debt, the increased burden of taxes, the derangement of trade, and, more than all, the deep and lasting injury to public morals. I would avert these evils from the country so soon as it may be with honor and with justice.

But it has been argued, that indemnity cannot be obtained, neither in money, nor in territory, nor in any other way. Pecuniary indemnity is not, indeed, within the power of Mexico. But I dissent from the proposition, that it cannot be secured in territory. The argument of the honorable gentleman from Vermont, to whose able speech I have already alluded, was, that the lands in Mexico have all been sold, and are now in the hands of private owners; and as we do not make war upon private individuals, only upon the Government, therefore, the acquisition of territory would give us no ownership of land which could be sold, and with the proceeds of which our treasury might be replenished. I shall not differ with him in this position. I am inclined to think that there is very little unappropriated land in Mexico, and certainly none other can be sold. All this may be granted, and it by no means follows that indemnity may not be secured in the acquisition of territory. That is a very partial view of what is intended by the term indemnity. The President, though he has recommended the retention of New Mexico and the Californias, has never said that it was for the purpose of raising money from the sales of land. That is the least of all the benefits to be derived from territo-

rial enlargement. But is the acquisition of sovereignty nothing—that sovereignty which shall place in the hands of our Government, all the revenues of the acquired territory, all its eminent domain, and the control of all its rivers and harbors and public highways? Sir, sovereignty, and sovereignty alone, is what, in all modern times, has been obtained for indemnity, and has ever been considered of priceless value. History is full of such cases. For hundreds of years indemnity in the fee simple of land has been impossible in Europe. Mere sovereignty over Northern Mexico would bring with it the right of direct and indirect taxation, open to us a new and wide market for our agricultural and manufactured productions, would enlarge our commercial privileges, and give us the untold advantage of the possession of the bay of San Francisco, and other harbors on the Pacific ocean. Suppose that the fee simple of not one acre of land, and only simple sovereignty had been obtained by the convention with France of 1803, would not Louisiana have been cheaply purchased? Did not the free navigation of the Mississippi, and the undisturbed control of its mouth, add infinitely more to our national wealth than all the cost of Louisiana? I do not say that New Mexico and the Californias would be equally valuable, but that certainly is an erroneous view which does not look beyond the fee simple of the land, which can discern no value except in the proceeds of its sales. And even if all the land in Northern Mexico be in the hands of private owners, how can it be gravely argued, that it is beyond being the means of indemnity to us?

The Chairman of the Committee on Foreign Relations has told us of its barren rocks and hills, and colored deep his picture. I have not the time to follow him. All that he has said might with equal propriety, have been spoken of his own native New England two hundred years ago.

But the honorable gentleman from Vermont, among other objections to the acquisition of territory, has urged that, if we conquer Mexico, we are bound to pay her debts. How this might be, if the whole of Mexico were conquered and retained, it is not necessary to inquire. No such thing is proposed. But I am utterly unable to perceive any cogency in the argument upon which this doctrine is founded, as applied to the acquisition of a part; and indeed I doubt whether it be correct in any case, when either a part or the whole of a country is acquired by conquest or treaty, as a just indemnity. If we obtain any part of Mexico, it will be as a compensation for injuries received, as payment of a debt, or in discharge of an obligation. Upon what principle, then, can the payment of the debts of Mexico, or any of its departments, be claimed of us? It is, at most, but the case of two creditors of a common debtor, the one obtaining payment of his debt. Is he under any legal or moral obligation to pay the debt due to the other creditor, even though he should exhaust the property of the debtor in obtaining his own? "*Vigilantibus non dormientibus faveat lex*," is as well a principle of morals as of law. The establishment of the doctrine for which the gentleman contends would be eminently dangerous to the peace of the world. A national debt may be far beyond the value of its property and sovereignty. With such a debt a nation might commit aggressions upon its neighbors with comparative impunity, without the fear of being called upon to make indemnity.

But it is said the doctrine is to be found in the laws of nations, and we have been referred to Vattel, book 2d, sec. 203, where that

writer remarks, "for a conqueror to refuse to pay the debts of a country which he has subdued, would be robbing the creditors with whom he is not at war." Now, sir, upon this, I remark that Vattel was but a commentator, and his assertion, though entitled to great respect, is not authority. It should be observed, also, that he is speaking of conquest of territory, without reference to rights to indemnity, or to the object for which the conquest is made, and his whole argument is embraced in the simple assertion of the doctrine which I have quoted. But let us look for a moment at the principle. What are the laws of nations? They are the laws of nature applied to nations, and exhibited in the usages of modern civilized governments. Not all the laws of nature, but only those which have found a place in national usage. I need not say that we shall seek in vain in the laws of nature for any such liability to pay the debts of a government, a part of whose territory has been acquired in satisfaction of an injury. And no such usage has ever existed among nations. I exclude, of course, cases of purchase of territory or sovereignty, where the stipulations of the contract may be infinitely various. I speak only of acquisition by conquest or treaty, or both, *for indemnity*, or as payment of prior indebtedness. Now, sir, I appeal to gentlemen who maintain this doctrine, to show us even one instance in which such a liability has been recognised, one precedent in the history of the past. Were it possible for them to respond to the appeal, *one* would not constitute an *usage*. But, so far as I know, none such is to be found. Not one such exists, standing even in solitary loneliness, in all the records of the past. Vattel, indeed, in support of his position, has referred to one case as authority, and the honorable gentleman from Vermont has adverted to it for the same purpose. He says:

"When Frederick the Great, of Prussia, conquered the kingdom of Silesia, the debts which Silesia owed to Englishmen, were demanded of him by the King of England, and after some shuffling and a good deal of negotiation, he was constrained to pay them."

And this is the only case found to support the doctrine. But a brief reference to the history of the Prussian acquisition of Silesia will show that it warrants no such conclusion as has been drawn from it. Prior to the year 1742, Frederick II, king of Prussia, had suddenly, and without provocation, commenced an offensive war with the Queen of Hungary, and had overrun Upper and Lower Silesia, and a part of Bohemia. The war was continued for some time, with alternate success, when, through the intervention of England, the treaty of Breslau was formed, in the year 1742. England, at that time, occupied a semi-hostile position to Prussia. The Earl of Hynford, an Englishman, was the accredited agent of the Queen of Hungary in concluding the treaty. By it she ceded Upper and Lower Silesia to Frederick II, and, in return, among other things, he covenanted to pay those sums of money which London merchants had lent to the former emperor, and for which the revenues of Silesia had been specifically pledged. The title was not obtained by conquest. No conquest had been made. The treaty was signed "*flagrante bello*," while hostilities were in active progress. Frederick did not even set up a title by conquest; all was obtained by the treaty of Breslau. The liability to pay the debts was a *voluntary* one, not imposed upon Frederick as a result of his conquest, but assumed by the treaty contempora-

neously with the cession of Silesia. How this can be regarded as an authority for the doctrine, which Vattel assumes, no man can perceive. Had the engagement to pay the English debts been entered into after the cession, the case would have been more in point. But its history shows that it was a mere purchase, and the assumption of the debts a part of the consideration paid; anything else than the acknowledgement of a liability arising from the acquisition of territory, either by conquest or treaty, for the satisfaction of just claims. I feel warranted, therefore, in unequivocally denying the doctrine, that if we obtain any part of Mexico, we take with it a responsibility for her debts. The position is utterly groundless, sustained by no reason, supported by no precedent.

I trust, Mr. Chairman, that I have now sufficiently vindicated our right to indemnity from Mexico, and the possibility of its attainment. It has, however, been objected by honorable gentlemen upon the other side, that such has not been the object for which the war has been prosecuted, that such has not been the design of the President; that notwithstanding his avowals, there has been a paramount purpose concealed behind all his professions, to consult his own fame by extending our territorial limits, and that without regard to the equity of measures by which it might be accomplished. Sir, the imputation of a motive so unworthy should not lightly be made. It can only come from a mind perverted by its own suspicions, and earnestly seeking food for jealousy.

Yet, it is argued from the fact that, in his correspondence with the Mexican Commissioners, Mr. Fris declared it to be a "*sine qua non*" of peace that we should have the whole of New Mexico and the Californias, but were willing to pay a stipulated sum for all that they are worth beyond our just claims. The conclusion deduced from this is, that the purpose of the President was to compel the Mexican Government to sell a part of their country. But it must not be forgotten, that indemnity in money is conceded to be impossible. Long ago Mexico had failed to pay the miserable sum acknowledged by her own treaty to be due to us. How much less her ability now? If compensation is to be made in territory, there is an obvious propriety in our claiming the cession of that which is adjacent to ours; and claiming by political as well as natural boundaries. And if, in so doing, more should be obtained than is due to an honest satisfaction for our wrongs, and we pay for the excess, is it less indemnity for that? Apply to it an illustration derived from an occurrence not unknown in private life. Two farmers own adjoining plantations. One has a just claim upon the other for the redress of an injury. It is proposed to settle the difficulty. The aggressor cannot pay in money, and the injured party claims a field of the other, adjoining his own plantation. The value of the field being beyond the extent of the injury, for the excess he engages to pay a sum of money. The arrangement is made. Who doubts that this is a case of accord and satisfaction? And why should a different rule be applied to national conduct? That which is honest and fair between individuals, is equally upright between nations. The honorable Chairman of the Committee upon Foreign Relations (Mr. T. SMITH) concedes, that in taking territory we must take by convenient boundaries, and that in thus taking, it may well be that such boundaries would reach beyond

our precise claim for indemnity, and impose upon us the necessity of paying Mexico a small sum. But the amount proposed to be paid by the pending treaty, in his opinion, gives a different character to the transaction. I cannot, however, discover how a difference in the amount to be paid changes the principle, so long as it is paid for the excess beyond a just indemnity. Nor do we know what sum Mr. Trist was empowered to offer. The treaty proposed now, is but the offer of Mexico. It was also contended by the Mexican Commissioners, that the cession of the territory demanded, would open their country to our attack, in the event of another war. If so, what better security could Mexico give, or we demand, against future aggression? Security as well as indemnity is one of our rights, a legitimate object of the war. I am aware that gentlemen have affected to ridicule this suggestion of security. Such, however, is not the light in which it has been regarded by civilized governments, or in the laws of nations. Vattel, in his third book, section 162, thus treats it :

“The right to security often authorizes us to punish injustice or violence. It is an additional plea for depriving an enemy of some part of his possessions. * * * With that view, things of value may be taken from her, such as *rights, cities, provinces.*”

But, Mr. Chairman, the argument upon the other side has assumed another form, and we are told that the conduct of the Executive was evincive of a design to compel Mexico to sell a portion of her land. I think this has already been substantially refuted. We are, however, referred to the language of the Mexican Commissioners in their letter to Mr. Trist, dated September 6, 1847, in which they call the acts of our Government “making war upon a people for no other reason than because it refused to sell territory which its neighbor sought to buy.” And this, it is said, has never been answered. If it never has been, it is because it needs no answer. It assumes what has no foundation in fact. We have not been warring on Mexico, because she refused to sell us territory. The argument is but an imposing statement of a fictitious case. Every one knows how formidable even an erroneous proposition may appear in some forms of statement. If indemnity were offered in money, or could be thus obtained, the question could not arise; but when, if secured at all, it must be in territory, I ask gentlemen to show how it is less defensible to require of Mexico a particular territory, paying her all that it is worth beyond a just indemnity, than it would be to compel the payment of similar value out of her national treasury? But I have said enough respecting the allegations of concealed purposes. They are all the creatures of suspicion, baseless as a dream; and with suspicion, it is impossible to reason. It is, however, a mistake to say, that this assertion of the Mexican Commissioners has never been answered. The final letter of Mr. Trist, of September 7, 1847, to which I refer the Committee, reveals its fallacy.

I turn now, Mr. Chairman, to another mistaken impression, existing in the country, and to some extent, in this House. Since the commencement of the session, numerous memorials have been presented, respectably signed, praying that Congress would adopt measures for the immediate restoration of peace. What those measures should be, the memorialists do not inform us. They only ask us to do what we all desire to

do. I do not believe there is a member of this body who does not desire to see this war brought to an early termination. On this subject there is perfect harmony of feeling. But we differ as to the mode in which this object can be accomplished. War is easily begun; it requires but the action of one party. Peace is not so readily restored. That demands the assent of both belligerents, not to only its renewed existence, but to its conditions, and that, too, while both parties are exasperated by the remembrance of their disasters, expenses, and sufferings. The honorable gentleman from Vermont, and others who have adopted his opinions, have told us that peace has been at all times within our reach, if we had chosen to accept it; and this is inferred from the offer of peace contained in the "*counter projet*" submitted by the Mexican Commissioners to Mr. Trist, in September last. Yes, but what were its conditions? Was it a peace with indemnity? Was it such a peace as could have been accepted? Such as would have been satisfactory to the honorable gentleman himself? I think not. What did the counterprojet of the Mexican Commissioners propose? Mexico did, indeed, relinquish Texas, between the Sabine and the Nueces, but that was a relinquishment of nothing that was hers, of nothing which was not already our own. True, she offered to cede to us a portion of her territory, at a stipulated price, but she made no abatement in the price for what she was indebted to us before the war, nor for expenses incurred or injuries received since its commencement. This was all. And what were the conditions upon which even this was to be conceded, if I may call it concession? Mexico demanded in return that we should relinquish all of Texas west of the Nueces, whether our claims are rightful or not; that we should assume the payment of the acknowledged debt due by her to our citizens, before the disturbance of amicable relations between the two nations, and all that which remained unsettled; thus, in effect, compelling us to pay for that part of Texas which lies east of the Nueces. She also demanded that goods in Mexican ports then in our possession, and consequently exempt from Mexican duties, (Peters' Reports, *Rice vs. United States*;) should be made subject to them; thus imposing upon us the obligation to refund what we had already collected. And yet again she demanded that the United States should satisfy those Mexican citizens whose interests had been injuriously affected by the North American troops; equivalent to requiring that we should pay all our own, and a part of her expenses of the war. Truly this was a most extraordinary proposition. An acceptance of it would have been an unequivocal acknowledgement that we had been prosecuting an unjust war. It would have been recording our own infamy, with our own hands, by solemn treaty, upon the pages of history. I cannot believe that such a proposition would have received the assent of any American citizen. Mexico could never have made it, unless she had labored under her cherished hallucination, that she still owned the whole of Texas up to the river Sabine. This very offer, more than any thing else, in my opinion, tends to prove that peace has not yet been in our power. Something more remained to be done before hostilities could cease, before amicable relations could be restored between the two countries.

I have thus, Mr. Chairman, endeavored to show some of our rights consequent upon the justice of our cause in the war, and to prove that

they are attainable. Much that I intended to submit to the consideration of the Committee my limited time has compelled me to leave unsaid. In what manner those rights may be secured is not for me to determine. I leave that where the Constitution has placed it. Nor have I alluded to the treaty, which it is understood is now under discussion in the other end of the Capitol. It would ill become me to volunteer opinions respecting its terms, and I cannot but regret that the Chairman of the Committee on Foreign Relations, occupying as he does a most influential position, has thought proper to make it the object of attack. I cannot perceive that his strictures promise any good to the country, or tend to hasten the approach of that state of things which he professes to desire. If the treaty prove such an one as secures a just settlement of our difficulties with Mexico, and be ratified by both Governments, to no one will it bring greater satisfaction than to myself; but whatever may be its terms; if it be not such an one as can be accepted, or even if it be, and is yet unratified by Mexico, it furnishes an additional argument for our immediate adoption of these vigorous measures, which *alone*, in my opinion, promise an early restoration of peace.





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